

The Constitution provides Congress a central role in regulating the Judiciary. Article I provides Congress the authority to establish the lower federal courts, determine the Supreme Court's appellate jurisdiction, impeach and remove judges, and to enact laws necessary and proper for executing these authorities.

Unfortunately, over the past year or so, Congress, and the House Judiciary Committee in particular, has been under sustained criticism for its constitutionally-mandated legislative and oversight actions concerning the federal judiciary. The stridency of these remarks has sometimes taken on a harshness that is not only uncommon, but inconsistent with the historic amity that has governed relations between the branches.

As we all know, Congress passed the PROTECT Act last year, which among other things reformed the federal criminal laws concerning child abduction and child pornography. Among the provisions of the bill were reforms of the federal sentencing guidelines; particularly, reforms correcting abuse by federal judges of downward departure authority. The Feeney Amendment was approved by the House of Representatives on a straight up-or-down vote by an overwhelming bipartisan majority—357 to 58. The final bill, which included weakened Feeney provisions, passed the House 400 to 25 and the Senate 98 to 0.

The Feeney Amendment represents a legislative response to long-standing Congressional concern that the Sentencing Guidelines were increasingly being circumvented by some federal judges through inappropriate downward departures, resulting in a return to sentencing disparities.

Much attention has been focused on the Judiciary Committee's oversight of the Chief Judge of the District of Minnesota following misleading testimony before the Committee concerning the application of the federal sentencing guidelines. He identified specific cases as relevant to the Committee's consideration of pending legislation. Thereafter, the Committee sought the public records of these cases and certain others in which the Chief Judge had departed downward. Among other documents, the Committee obtained a transcript of one of the Chief Judge's sentencing hearings in which he admitted to having granted "an illegal departure" in the case and dared the United States to appeal his one month variance. Surely reasonable persons would conclude that Congress has a responsibility to inquire further in the face of such an admission.

In a letter to me dated November 7, 2003 this body (the Judicial Conference of the United States) objected to "the dissemination of judge-specific data on sentencing in criminal cases," and suggested that "Congress should meet its responsibility to oversee the functioning of the criminal justice system through use of this data without subjecting individual judges to the risk of unfair criticism in isolated cases." I have been perplexed as to why such furor has been raised over obtaining records from a judge's publicly decided cases.

Assuredly, federal judges in a democracy may be scrutinized, and may even be "unfairly criticized." Subject to removal from office upon conviction of impeachment, Article III judges have been given lifetime tenure precisely to be better able to withstand such criticism, not to be immune from it.

That the Congress, the elected representatives of the people, may obtain and review the public records of the Judicial branch is both Constitutionally authorized and otherwise appropriate. Over 200 years of precedents show that the Judiciary as a collective body, or an individual judge, is subject to

Congressional inquiry. For example, every year Congress scrutinizes budget requests and appropriates money. On a more targeted basis, articles of impeachment against federal judges stemming from their conduct on the bench have led to both impeachment by the House and trial and conviction in the Senate and removal from office on several occasions.

Of course, I think we all can agree that impeachment ought not lie simply because Congress may disagree with a judge's "judicial philosophy," or because Congress considers a judge's ruling "unwise or out of keeping with the times." That is a far cry from the suggestion that Congress lacks authority, or should not exercise it, to conduct appropriate oversight of the judicial branch including individual judges.

The Committee's oversight of the sentencing record of the Chief Judge of the District of Minnesota is not premised upon disagreement concerning the "wisdom" of a particular sentence, but upon its legality.

I think it is important to note that Congressional oversight has assumed increased importance because of the delegated authority currently possessed by the Judiciary to investigate and impose appropriate discipline upon its members and its decidedly mixed record in this regard. I have previously noted my profound disappointment with the whitewash of the Congressional complaint against the Honorable Richard D. Cudahy of the 7th Circuit Court of Appeals while serving on the Special Division of the D.C. Circuit Court overseeing independent counsels. Judge Cudahy, whether inadvertent or otherwise, leaked confidential sealed grand jury material to an AP reporter on the day that former Vice President Gore was nominated to run for President. Judge Cudahy admitted to his acts only upon threat of exposure by a criminal investigation and polygraph examination, after seeking to preclude any investigation.

In response to my formal complaint as Chairman of the Committee on the Judiciary, Judge Richard Posner, only eight days after its receipt, simply whitewashed the matter regarding his colleague Judge Cudahy without conducting any investigation. Judge Posner dismissed the matter out of hand by noting that Judge Cudahy had apologized and Judge Posner concluded that the leak simply did not constitute Rule 6(e) "matters occurring before the grand jury." This conclusion is contrary to the view of the Chief Judge of the Special Division of the D.C. Circuit Court, Judge David B. Sentelle.

The Judiciary's response in the Cudahy matter stands in contrast to the Congressional Judicial complaint concerning Judge Norma Holloway Johnson. In this case, an independent investigator was hired to review and evaluate allegations, outlined in a congressional complaint, that the Chief Judge of the D.C. judicial district bypassed the random case-assignment process in four campaign finance cases that were potentially politically embarrassing. The rules of the court with respect to case-assignments changed as a result.

The experience with the Cudahy matter and the Chief Judge of the District of Minnesota raises profound questions with respect to whether the Judiciary should continue to enjoy delegated authority to investigate and discipline itself. If the Judiciary will not act, Congress will—consistent with its Constitutional responsibilities. Congress will begin assessing whether the disciplinary authority delegated to the judiciary has been responsibly exercised and ought to continue.

Before I conclude, I wish to touch briefly on a point that has generated significant scholarly debate and renewed urgency in light of recent Supreme Court decisions: the

Court's increased reliance on foreign laws or judicial proceedings in the interpretation of American constitutional and statutory law. Article VI of the Constitution unambiguously states that the Constitution and federal statutes are the supreme law of the land. America's sovereignty may be imperiled by a jurisprudence predicated upon laws and judicial decisions unfound in our Constitution and unincorporated by the Congress. Inappropriate judicial adherence to foreign laws or legal tribunals threatens American sovereignty, unsettles the separation of powers carefully crafted by our Founders, and threatens to undermine the legitimacy of the American judicial process. I anticipate Congressional examination of this issue in the coming months.

Thanks again for the opportunity to speak before the conference today.

HONORING BOROUGH OF
STANHOPE IN SUSSEX COUNTY,
NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Borough of Stanhope, in Sussex County, New Jersey, a vibrant community I am proud to represent. On March 24, 2004 the good citizens of Stanhope are celebrating the Borough's Centennial Anniversary with a special re-enactment of the Incorporation Ceremony that took place over 100 years ago.

Stanhope is an old "iron town," and as the industry grew, so did Stanhope, which until 1904 was part of neighboring Byram Township. The earliest records indicate that the first iron production at Stanhope occurred about 1794. Silas Dickerson, brother of the future state governor and U.S. Senator Mahlon Dickerson, erected a forge and nail factory on the Musconetcong River in Stanhope—one of the first such forges in New Jersey.

By the 19th century, Stanhope was a substantial iron-manufacturing community. The proximity of the Borough to the Morris Canal, which flows through its center, was pivotal to the early development of this rural town. In fact, the completion of the Morris Canal in the mid 1800s saved the iron industry and consequently the town. By 1830, the wood supply needed for charcoal to fire the forges was depleted and the industry shut down. But when the Morris Canal opened up a link to a new fuel, anthracite coal from northeastern Pennsylvania, the iron economy of New Jersey and Stanhope was revitalized. Stanhope also became a well-deserved rest stop along the 102-mile canal from Phillipsburg to Jersey City, with a busy General Store and hotel and a large coal transfer station.

The iron industry in Stanhope thrived for another 100 years, and by 1930, people discovered Stanhope for what it remains today: a beautiful, rural community in the New Jersey Highlands, bordered by the Musconetcong River and Lake. Between 1930 and 1980, Stanhope's population tripled in size and today the quaint community boasts more than 3,500 proud residents. In recent times, citizens have become more and more aware of the importance of protecting Stanhope's natural resources and efforts to balance development

with the preservation of open space, clean water and air have been a commendable priority for its municipal leaders.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the residents of Stanhope on the celebration of 100 years of a rich history and the building of one of New Jersey's finest municipalities.

RECOGNIZING THE NOMINEES FOR THE REGIONAL ACADEMIC ALL- STAR TEAM

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize nominees for the Regional Academic All-Star Team from the Pennyroyal region in western Kentucky.

The regional Academic All-Star program's purpose is to recognize top academic scholars and performers. Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based upon their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science social studies and the creative and performing arts. The students are judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities both school related and outside school activities, employment history, and an autobiographical essay.

Mr. Speaker, education is the foundation upon which we reach our human potential. Students in my district are developing their talents, furthering their education and pursuing their aspirations in life through programs like the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence:

Adam Christopher Denison, Bethany Sue East, Caitlin Jo Hill, Carla Rae Cunningham, Daniel Sean McBride, James William Benson, Stephen Patrick Russell, Amber Mae Cooper, Joshua Gregory Berkley, and Layton Ashley Noel.

Michelle Denise Graham, Stephanie Dawn Hedgepath, Chaz Ganster, Elizabeth Woodward Starling, Jenna Anne Foltz, Jennifer Elaine Martin, Jessica Leigh Monroe, Jessica Renae Durbin, Rosa Ramsey Groves, and Andrew Bryan McGregor.

Christine Caylin Mudrick (Caylin), Elizabeth Marie Silva Collier, Justin Bennet Sedlak, Jr., Lauren Melissa McCormick, Sarah Jane Bodell, Signe Jordan McCullagh, Adam Christopher Denison, Evan Lee Allen, Joquela S. Quarles, and Lacey Dyan McGinnis.

Meagan Kay Bush, Stacy Watkins, Evan Turner Roberts, Justin Bennet Sedlak, Jr., Leigh Ellen West, Lindsey Bell Bostick, Sara Elizabeth Downs, Sarah Savannah Hughes (Savannah), Ashley Lauren Russell, and Benton Russell Avery Farmer.

Holly Marie Sisk, Stephen Wesley Boren, Thabbet Hassan Abukuppeh (Tad), Aaron Lewis Nelson, Clifton Ross Martin, John Christian Cooke Mahre (Chris), Julianna Leigh Sta-

ples, Rebekah Elizabeth Logan, and Savannah Rose Galloway.

Mr. Speaker, these students embody the spirit, commitment and sacrifice that we all should strive for in our daily lives. I am proud to represent them in my District. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of this House.

HONORING THE 4TH ANNUAL UDALL YOUTH TASK FORCE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize an outstanding group of young people in my district, the 4th Annual Udall Youth Task Force.

Every year, I invite high school students throughout the Second Congressional District of Colorado to participate in the Udall Youth Task Force. The Task Force is set up for the purpose of helping young people in the district to become more engaged with their government. Each fall, Task Force members convene to set an agenda of topics they wish to tackle throughout the school year. This year's Task Force has proven to be exceptionally insightful about the issues facing our country. From the war in Iraq, to the environment, to concerns about the erosion of civil liberties, these students show clear understanding about the goings on in Washington, DC, and around the world.

I am aware of the fact that the Task Force members have very busy schedules between jobs, sports and other extracurricular activities. That is why I am so heartened and honored by the fact that these young people have taken the time to be a part of this program. It is inspiring to watch these future leaders of America take interest and pride in their government.

I ask my colleagues to join me in recognizing this exceptional group of young people. We all benefit from their contributions to this great system, and it is my greatest hope that their participation in the Udall Youth Task Force has sparked an interest in public service that will continue throughout their lives.

HONORING THE STATE CHAMP SHELBYVILLE GOLDEN EAGLETES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the Shelbyville Golden Eaglettes for winning this year's Tennessee Class AAA girls high school basketball championship. The March 13 win earned the Golden Eaglettes a record 12th state title.

Such a feat deserves much respect. The team of highly motivated players went 31–5 this year, capping a championship season with a resounding 57–43 win over a tough Memphis Craigmont team. This is the third year out of the last four that Shelbyville has captured the Class AAA state championship.

Shelbyville residents can be proud of the accomplishments of the Golden Eaglettes, who are a recognized powerhouse in high school girls basketball. I commend the team and its coach, Rick Insell, for an outstanding season and a remarkable achievement.

The following are the members of the 2003–04 state champion Golden Eaglettes: Samantha Houston, Tabatha Almader, Alex Muckle, Latoya Stone, Amy Beech, Kayla Bryant, Brittany Smith, Andria Johnson, Abby Canon, April Snipes, Ashleigh Newman, Katrina Kelly, Alex Fuller, Nisha Buchanan and team managers Sarah Riddle and Anna Sneed. LaBora McCroskey, Chad Spencer, Mark Potts and Jennifer Gray serve as assistant coaches for the team.

CONGRATULATING CITIZENS BANK OF NASHVILLE, TENNESSEE ON ITS 100TH ANNIVERSARY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Mr. COOPER. Mr. Speaker, today I introduced a resolution honoring one of the foremost institutions in my district—Citizens Savings Bank & Trust of Nashville, Tennessee. Citizens Bank enjoys the distinction of being the nation's oldest continuously-operating minority-owned bank and is celebrating a truly significant milestone this year—its 100th anniversary.

Minority-owned banks have played a crucial role in the economic development and revitalization of minority communities across the country. Through dedicated investment in the neighborhoods they serve, minority-owned banks have provided a vital source of economic opportunity and entrepreneurial capital for countless individuals and small businesses, especially those who had historically been underserved by other financial institutions. With combined assets of more than \$48 billion and more than 3 million depositors nationwide, minority-owned banks continue to serve as pillars of economic stability and trust.

Citizens Bank stands as a model example of a minority-owned bank that has made significant and lasting contributions to its community. Founded in 1904 as the One Cent Savings Bank, Citizens Bank has provided funding and economic assistance to entrepreneurs, civic and social groups, educational programs and public schools and universities.

The bank has been especially notable for its service to African-American churches in the Nashville area. Citizens Bank has served as a principal source of financing for the construction and operation of church-based day care centers, assisted living facilities, and other community-based centers that promote the social and economic well-being of Nashville residents. The bank has also donated a great deal of its resources to the economic empowerment of Nashville residents by offering free home-buying and consumer education seminars.

I am proud to be the lead sponsor of a Congressional resolution that recognizes the achievements of Citizens Bank and the achievements of all minority banks across the country. It is my hope that this Congress will